

REMARKS

The last Official Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reconsideration and re-examination of this application are respectfully requested.

By this amendment, claims 56 and 62 have been amended. Claims 56, 57 and 62 remain pending in this application.

In Section 2 of the Official Action, the Examiner has refused to accord this application the benefit of priority to U.S. Patent Appln. Ser. No. 09/741,296, filed December 19, 2000 as the Examiner contends that no specific reference has been made during the pendency of the application or within the dates of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. Applicants have complied with this requirement. In the cover page contemporaneously filed with this application (copy attached), applicants requested that on the first page, before the first line of this application be amended to recite that this application is a divisional application to U.S. Patent Appln. Serial No. 09/741,296, filed December 19, 2000 (portion highlighted). It is therefore believed that this application properly claims priority to such application and the Examiner is respectfully requested to grant such request.

In Section 3 of the Official Action, the Examiner has indicated that the information disclosure statement filed August 25, 2003 fails to comply with 37 C.F.R. §1.98(a)(2) as legible copies of the two European references have not been provided. Although these copies were previously considered in the priority application, applicants have filed another information disclosure statement contemporaneously herewith with new copies of these two

European references. The Examiner's acknowledgement of consideration of these two European references is respectfully requested.

In Section 5 of the Official Action, claims 56, 57 and 62 have been rejected under 35 U.S.C. §102(b) as being anticipated by Van Norman (U.S. Patent No. 979,903). Applicants respectfully submit that Van Norman discloses a tool holder with upper clamping block D which moves and locks independently of the slide rest A. The slide rest is a normal part of the lathe itself and has its own separate screw adjustment. So in Van Norman two separate adjustments are required to move and lock the components cited by the Examiner.

In contrast, independent claim 56, upon which claim 57 depends, and independent claim 62 recite in one form or another, that the positional engagement means of the side block and the track of the base are locked in a single action. Figures 2A and 2B depict blocks 110 and 105, respectively, being attached to the headboard 115 using lock members 125 and 120 and illustrate the three ways that blocks 110 and 105 may be adjusted to fit the head of an injured person. As shown in Figure 2B, block 105 is attached to headboard 115 by engaging lock member 120 to slot 205 in headboard 115 through a slot 210 in block 105. Block 105 may be slid laterally (to and from the center of headboard 115) along slot 205, longitudinally along slot 210, and rotated relative to headboard 115 in 5 degree increments (-/+ 10 degree range) around lock member 120.

Figures 3, 4A and 4B illustrate the two part constructions of lock member 120, which enables a fit adjustment stage and a locking stage. By pushing lock member 120 down to a fit adjustment stage while in the configuration illustrated in Figure 2, block 105 is physically connected to headboard 115 but can still be longitudinally and laterally adjusted along slot 210 and rotationally adjusted around lock member 120. The locking stage, enabled by pushing down

on lock member 120, fixes block 120 in place. Thus, the positional engagement means of the side block and the track of the base are locked in a single action as claimed in claims 56, 57 and 62, which is not disclosed as suggested by Van Norman.

Applicants' claimed invention is also advantageous to the locking device of Van Norman as applicants' design is much simpler. With a 2 part-lock, a block and a base, applicants' design requires about one half the number of components as Van Norman. This simplicity has multiple advantages to both user and manufacturer including:

1. Ease and speed of use which is critical in the emergency medical environment – a single push down locks each block. Van Norman's design is cumbersome in this environment, requiring turning of multiple screw engagements;
2. Low cost of manufacture – low part count reduces both part assembly cost and design for injection molding reduces part cost compared to mechanical metal components.

For all of the foregoing reasons, it is believed that applicants' claimed invention of claims 56, 57 and 62 is not anticipated by or rendered obvious by the teachings of Van Norman.

Accordingly, it is believed that the Examiner's rejection of claims 56, 57 and 62 based upon 35 U.S.C. §102(b) has been overcome by the present amendment and remarks and withdrawal thereof is respectfully requested.

Applicants respectfully submit that the application as now pending is in condition for allowance.

Statements appearing above with respect to the respective references represent the present opinions of the undersigned attorneys. Should the Examiner disagree with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the references providing a basis for a contrary view.

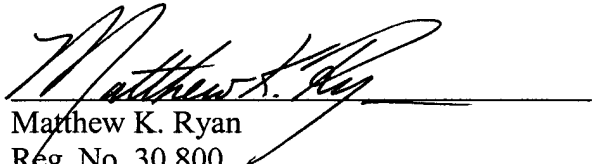
An additional fee of \$110.00 is deemed to be required for a one (1) month extension of time for the filing of this application. Please charge any additional fee or credit any overpayment for this application to Deposit Account No. 50-0320.

A Notice of Allowance is earnestly solicited.

Respectfully submitted,

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